

## REMARKS

Claims 1-24 are pending. Claims 1-24 stand rejected. No claims are added or amended by this paper. The Applicants' attorney notes that the Office Action cites no basis for rejection of claim 14 of the present application. Accordingly, the Applicants request clarification of the status of claim 14. In view of the following remarks, allowance of all pending claims is respectfully requested.

### Rejection of Claims 1-4 Under 35 U.S.C. § 103(a) As Being Unpatentable Over Olah et al. in view of O'Callaghan et al.

#### Claim 1

Claim 1 recites a controller operable to receive an activity level of a port from a processor associated with the port.

For example, referring, e.g., to FIG. 3 and paragraph 30 of the present patent application, a CPU-subsystem 31 reads the actual transmit and receive counts associated with a data port, generates an activity level rate of data traffic based upon the transmit and receive counts, and provides the activity level to a controller 51. The controller 51 generates a signal that represents the activity level and drives an indicator LED 40 with the signal such that the LED indicates the activity level of the port

Olah, on the other hand, fails to teach a controller operable to receive an activity level of a port from a processor. Olah teaches a system and method for monitoring computer usage, wherein a computer operator specifies discrete moments of a computer's usage at which screen captures are executed and saved to a log. The operator, such as a parent or employer, can later retrieve the screen images to provide a graphical record of the activities, such as that of their child or employees, on that computer. The system of Olah does not address monitoring of activity levels, but, rather, addresses monitoring of activity types. In fact, a close reading of the Olah reference reveals that the terms "level," "rate" or the like fail to appear therein. Additionally, Olah fails in any manner to teach or suggest a

controller receiving anything, much less an activity level of a port, from a processor.

The Examiner is respectfully requested to point with specificity to that portion of Olah describing a controller receiving an activity level from a processor.

Moreover, O'Callaghan does not teach, nor does the Examiner allege that O'Callaghan teaches, a controller operable to receive an activity level of a port from a processor. As such, neither Olah nor O'Callaghan, taken each alone or in combination, teaches or suggests the invention recited in claim 1.

#### **Claims 2-4**

Claims 2-4 are patentable by virtue of their dependency from claim 1.

#### **Rejection of Claims 5-13 and 15-24 Under 35 U.S.C. § 103(a) As Being Unpatentable Over Olah in view of O'Callaghan and In View of Liu et al.**

#### **Claims 5 and 9**

Claims 5 and 9 each recite a controller operable to receive an activity level of a port from a processor associated with the port. Liu fails to supply the teachings missing from either Olah or O'Callaghan, namely a controller operable to receive an activity level of a port from a processor. Accordingly, none of the references cited by the Examiner, either taken each alone or in combination, teaches or suggests the invention recited in claims 5 and 9.

#### **Claims 14-17, 20, 22 and 24**

Claims 14-17, 20, 22 and 24 are patentable for reasons similar to those discussed above with reference to claims 5 and 9.

#### **Claims 6-8, 10-13, 18-19, 21 and 23**

Claims 6-8, 10-13, 18-19, 21 and 23 are patentable by virtue of their respective dependencies from claims 5, 9, 17, 20 and 22.

## CONCLUSION

In light of the foregoing, Applicants' undersigned attorney submits that claims 1-24 as previously pending are in condition for full allowance, and a Notice of Allowance is therefore respectfully requested.

In the event additional fees are due as a result of this amendment, you are hereby authorized to charge such payment to Deposit Account No. 50-1078.

If the Examiner believes that a phone interview would be helpful, he is respectfully requested to contact the undersigned.

Respectfully submitted,  
**GRAYBEAL JACKSON HALEY LLP**



P.G. Scott Born  
Attorney for Applicants  
Registration No. 40,523  
155-108th Avenue N.E., Ste 350  
Bellevue, WA 98004-5973  
(425) 455-5575